

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2392

S.P. 934

In Senate, March 2, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GAUVREAU of Androscoggin

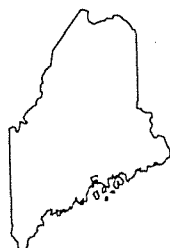
Cosponsored by Representative MANNING of Portland, Senator GILL of Cumberland and
Representative COTE of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

An Act to Repeal the Community Corrections Act.

(AFTER DEADLINE)



Be it enacted by the People of the State of Maine as follows:

2
3 **Sec. 1. 17-A MRSA §1203, sub-§1**, as amended by PL 1989, c.
4 925, §10, is further amended to read:

6 1. The court may sentence a person to a term of
7 imprisonment, not to exceed the maximum term authorized for the
8 crime, an initial portion of which shall must be served and the
9 remainder of which shall must be suspended. ~~As to both the~~
10 ~~suspended and unsuspended portions of the sentence, the place of~~
11 ~~imprisonment must be as follows. The imprisonment for the initial~~
12 ~~unsuspended portion of the term may be at a different institution~~
13 ~~from that specified for the suspended portion.~~

14 A. ~~For a Class D or Class E crime the court must specify a~~
15 ~~county jail as the place of imprisonment.~~

16 B. ~~For a Class A, Class B or Class C crime the court must:~~

17 (1) ~~Specify a county jail as the place of imprisonment~~
18 ~~for any portion of the sentence that is 9 months or~~
19 ~~less; and~~

20 (2) ~~Commit the person to the Department of Corrections~~
21 ~~for any portion of the sentence that is more than 9~~
22 ~~months.~~

23 C. ~~Beginning January 1, 1995, for a Class A, Class B or~~
24 ~~Class C crime, the court must:~~

25 (1) ~~Specify a county jail as the place of imprisonment~~
26 ~~for any portion of the sentence that is 12 months or~~
27 ~~less; and~~

28 (2) ~~Commit the person to the Department of Corrections~~
29 ~~for any portion of the sentence that is more than 12~~
30 ~~months.~~

31 The period of probation commences on the date the person is
32 released from the initial unsuspended portion of the term of
33 imprisonment, unless the court orders it to commence on an
34 earlier date. If the period of probation commences upon release
35 of the person from the initial unsuspended portion of the term of
36 imprisonment, the court may revoke probation for any criminal
37 conduct committed during that initial period of imprisonment.

38 **Sec. 2. 17-A MRSA §1252, sub-§1**, as amended by PL 1989, c.
39 925, §11, is further amended to read:

40 1. In the case of a person convicted of a crime other than
41 murder, the court may sentence to imprisonment for a definite

2 term as provided for in this section, unless the statute which
3 that the person is convicted of violating expressly provides that
4 the fine and imprisonment penalties it authorizes may not be
5 suspended, in which case the convicted person shall must be
6 sentenced to imprisonment and required to pay the fine authorized
7 therein. Except as provided in subsection 7, the place--of
8 imprisenment-must-be-as-fellows person must be committed to the
Department of Corrections.

10 ~~A.--For a Class D or Class E crime the court must specify a~~
~~county jail as the place of imprisonment.~~

12 ~~B.--For a Class A, Class B or Class C crime the court must:~~

14 ~~(1)--Specify a county jail as the place of imprisonment~~
16 ~~if the term of imprisonment is 9 months or less, or~~

18 ~~(2)--Commit the person to the Department of Corrections~~
20 ~~if the term of imprisonment is more than 9 months.~~

22 ~~C.--Beginning January 1, 1995, for a Class A, Class B or~~
~~Class C crime, the court must:~~

24 ~~(1)--Specify a county jail as the place of imprisonment~~
26 ~~if the term of imprisonment is 12 months or less, or~~

28 ~~(2)--Commit the person to the Department of Corrections~~
if the term of imprisonment is more than 12 months.

30 **Sec. 3. 17-A MRSA §1252, sub-§3-A,** as enacted by PL 1977, c.
32 196, is repealed.

34 **Sec. 4. 17-A MRSA §1252, sub-§7,** as enacted by PL 1989, c.
693, §7, is repealed.

36 **Sec. 5. 30-A MRSA §1658, 2nd ¶,** as enacted by PL 1989, c. 321,
38 §1, is repealed.

40 **Sec. 6. 34-A MRSA §1210,** as amended by PL 1989, c. 887, §§5
to 9, is repealed.

42 **Sec. 7. Effective date.** This Act takes effect December 31, 1992.

44
46 **STATEMENT OF FACT**

48 This bill eliminates those provisions in the criminal laws
that require imprisonment in county jails of individuals

2 convicted of certain crimes. This bill also eliminates the
section of law that sets forth a system of reimbursement to
4 county government for the housing of individuals sentenced to
county jails. This bill has an effective date of December 31,
1992.